

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
George S. Flinn, Jr.)	
v.)	CSR-8608-M
Comcast)	
)	
Request for Mandatory Carriage of Television)	
Station WFBD-DT, Destin, Florida)	
(Facility ID 81669))	
To: Chief, Media Bureau		

OPPOSITION TO COMPLAINT

Comcast Cable Communications, LLC, on behalf of its subsidiaries and affiliates ("Comcast"), hereby files its Opposition to the must carry complaint ("Complaint") filed by George S. Flinn, Jr., licensee of television station WFBD-DT, Destin, Florida ("WFBD" or the "Station") on April 2, 2012, in the above-captioned proceeding. Despite the Station's suggestions to the contrary,¹ Comcast has acted properly and within its rights in responding to WFBD's request for mandatory carriage.

As Comcast explained in its March 9, 2012 response to the Station's must carry demand letter ("March 9 Response"), WFBD fails to deliver an adequate off-air signal to the principal

¹ See Complaint at 5-6.

headends serving the Mobile County, Alabama cable communities at issue.² Comcast understands that ordinarily a station, such as WFBD, may satisfy its must carry obligation to deliver a "good quality" signal by providing its signal via a fiber feed.³ However, as also explained in the March 9 Response, Comcast believes that the circumstances of this case meet the criteria established by Congress and the Commission to modify WFBD's carriage boundaries in a manner that better represents the market it serves, which in this case does not include Comcast's distant Mobile County, Alabama cable communities. Accordingly, as Comcast advised the Station in the March 9 Response, we are filing simultaneously herewith a "Petition for Special Relief" ("Petition") requesting a modification of WFBD's television market.

As explained in the Petition, WFBD is geographically remote from the cable communities and has no local nexus with those communities. WFBD is an average of 100 miles from, and does not provide signal coverage or other local service to, any of the cable communities at issue. Further, the systems serving the cable communities have never carried WFBD; other broadcast stations already carried by the systems provide news coverage of local issues, including local sports and other local events; and WFBD has no reported viewership in either cable or non-cable households in the cable communities. In short, the Petition demonstrates that requiring carriage

² See *id.* at Attachment B.

³ Ironically, while WFBD criticizes Comcast for ignoring the must carry order regarding WPAN, it fails to advise the Commission that a subsequent order effectively negated WPAN's must carry claim based on Comcast's demonstration that circumstances warranted a modification of WPAN's market to exclude its Mobile County, Alabama cable communities. See *Comcast Cable Communications, LLC*, 20 FCC Rcd. 10093 (2005). As in that case, Comcast is filing a petition to modify WFBD's market to exclude the cable communities at issue here.

of WFBD, which lacks a local nexus to the cable communities, would be contrary to the purpose of the must carry statute and rules.

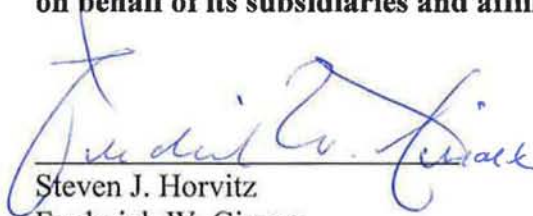
For the reasons stated herein and in the accompanying Petition for Special Relief, Comcast hereby requests the Commission to dismiss WFBD's Complaint.

Respectfully submitted,

Comcast Cable Communications, LLC,
on behalf of its subsidiaries and affiliates

Brian A. Rankin
Catherine Fox
Comcast Cable
Communications, LLC
One Comcast Center
1701 John F. Kennedy Boulevard
Philadelphia, PA 19103-2838

By:



Steven J. Horvitz

Frederick W. Giroux

Davis Wright Tremaine, LLP

1919 Pennsylvania Avenue, N.W., Suite 800

Washington, D.C. 20006

(202) 973-4200

Its Attorneys

April 24, 2012

CERTIFICATE OF SERVICE

I, Deborah D. Williams, do hereby certify on this 24th day of April, 2012 that a true and correct copy of the foregoing "Opposition to Complaint" has been sent via U.S. mail, postage prepaid to the following:

Stephen C. Simpson
1250 Connecticut Ave, NW
Suite 200
Washington, DC 20036


Deborah D. Williams